

Message Text

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ACTION SS-30

INFO OCT-01 ISO-00 /031 W

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R 221839Z JUN 74

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC 1003

C O N F I D E N T I A L PANAMA 3606

EXDIS

FROM AMBASSADOR JORDEN FOR ATTENTION MR. BELL, ARA/PAN

EO 11652: GDS

TAGS: EFIS, PN

SUBJ: RAFAELLO SEIZURE

REF: STATE 126645

1. TRIP TO HINTERLANDS WITH GENERAL TORRIJOS (SEE SEPTELS)
AFFORDED OPPORTUNITY TO RAISE AGAIN ISSUE OF SEIZURE EARLIER
THIS YEAR OF U.S.-OWNED TUNA BOAT RAFAELLO. AS DEPARTMENT
KNOW'S, I HAD LAID GROUNDWORK PREVIOUSLY BY OUTLINING SITUATION
FROM OUR VIEWPOINT WITH CLOSE INTIMATE OF GENERAL. WHEN I
RAISED PROBLEM WITH TORRIJOS HE SAID HE KNEW IT.

2. NONETHELESS, FOR SAKE OF FULL CLARITY, I WENT OVER AGAIN
THE DETAILS OF U.S. LAW REGARDING SEIZURE AND FINING OF U.S.
VESSELS AND THE IMPLICATIONS FOR FOREIGN MILITARY SALES (FMS)
PROGRAM AND AID. I ADDED, HOWEVER, THAT WE DID NOT THINK IT
WAS IN THE INTEREST OF EITHER COUNTRY TO CARRY OUT THIS
LEVEL OF SANCTIONS IF IT COULD BE AVOIDED. I EXPLAINED
THAT WE COULD ASK FOR WAIVER OF THESE PROVISIONS IF WE
HAD CERTAIN ASSURANCES FROM HIS GOVERNMENT. I SAID I
WAS RAISING THE ISSUE WITH HIM BECAUSE I FELT NO ONE ELSE
COULD TAKE RESPONSIBILITY FOR KIND OF THING THAT WAS NECES-
SARY. I UNDERLINED THAT FACT OF OUR TALK AND RESULTS WOULD
BE VERY CLOSELY HELD (DEPARTMENT PLEASE NOTE).

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3. I THEN EXPLAINED WAIVER PROCEDURE AND REQUIREMENT OF

CONFIDENTIAL NOTIFICATION TO SPEAKER OF HOUSE AND CHAIRMAN FOREIGN RELATIONS COMMITTEE BY SECRETARY. I NOTED THAT LETTER OF NOTIFICATION WOULD HAVE TO COVER CERTAIN DETAILS. GENERAL SAID HE UNDERSTOOD.

4. I THEN FOLLOWED INSTRUCTIONS CONTAINED IN REFTEL. I SAID THE FIRST POINT ON WHICH WE NEEDED ASSURANCE WAS THAT SEIZURE OF RAFELLO HAD NOT BEEN AN ACTION PLANNED IN ADVANCE AND APPROVED BY THE GOVERNMENT OF PANAMA. GENERAL SAID THAT WAS ABSOLUTELY FACTUAL. BOAT HAD BEEN SEIZED BY GUARDIA NACIONAL VESSEL WHILE ON PATROL AND OTHER OFFICIALS KNEW ABOUT IT ONLY AFTER THE FACT. HE NOTED RAFELLO HAD BEEN SEIZED WHEN IT WAS ONLY NINE MILES OFFSHORE. IN ANY CASE, SEIZURE HAD NOT BEEN PLANNED IN ADVANCE.

5. I SAID THE SECOND POINT WE WOULD HAVE TO MAKE WAS THAT GOVERNMENT OF PANAMA IS AWARE OF PROVISIONS OF U.S. LEGISLATION RESPECTING SUCH SEIZURES. GENERAL LAUGHED AND SAID I HAD MADE SURE THEY KNEW. THE ANSWER WAS YES.

6. I SAID THIRD POINT WE WOULD MAKE TO CONGRESS WAS THAT IT WAS NOT THE POLICY OR INTENTION OF THE GOVERNMENT OF PANAMA TO SEIZE U.S. FISHING VESSELS AS A WAY OF ENFORCING PANAMA'S CLAIMS TO 200-MILE TERRITORIAL SEA. GENERAL SAID WE COULD BE ASSURED THAT IT WAS NOT THE POLICY OF HIS GOVERNMENT TO USE FISHING BOAT SEIZURES FOR THAT KIND OF POLITICAL PURPOSE.

7. I SAID FINAL POINT WE WOULD MAKE TO CONGRESS WAS THAT IN LIGHT OF THE ABOVE AND ALL OTHER KNOWN CIRCUMSTANCES MY GOVERNMENT DID NOT ANTICIPATE FUTURE SEIZURES. GENERAL SAID HE UNDERSTOOD AND HAD NO OBJECTION TO OUR SO REPORTING TO CONGRESS.

8. I THEN REPEATED THE FOUR POINTS AND ASKED IF GENERAL HAD ANY OBJECTION TO SECRETARY KISSINGER SENDING LETTER CONTAINING THOSE POINTS ON CONFIDENTIAL BASIS TO CONGRESSIONAL LEADERS. HE SAID HE DID NOT. I SAID WE EXPECTED MATTER WOULD CONTINUE TO BE HANDLED ON CONFIDENTIAL BASIS, BUT IF IT BECAME PUBLIC IN SOME WAY WOULD HE PUBLICLY DISAGREE WITH CONFIDENTIAL

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WHAT I HAD SAID. HE SAID HE WOULD NOT.

9. TORRIJOS THEN REPEATED WE COULD GO AHEAD AS OUTLINED. BUT HE WANTED TO MAKE TWO POINTS. FIRST, THIS WHOLE SITUATION COULD BE HANDLED IF FISHING BOATS THAT CAME IN CLOSE (NOT OTHERWISE SPECIFIED) WOULD BUY FISHING LICENSES WHICH WERE NOT EXPENSIVE. HE ASKED ME TO CHECK WITH HIS MINISTER OF COMMERCE ON COST OF LICENSES SO I

COULD REPORT TO MY GOVERNMENT AND CONVEY INFORMATION TO FISHING COMPANIES. SECOND POINT WAS THAT PANAMA COULD NOT BE EXPECTED TO IGNORE ANY MASSIVE OR OBVIOUSLY PRE-PLANNED INVASION OF ITS INSHORE WATERS BY FOREIGN BOATS. IN SUCH CIRCUMSTANCES PANAMA WOULD HAVE TO REACT. I SAID I UNDERSTOOD. THE POINT AT ISSUE WAS WHETHER PANAMA PLANNED TO UNDERTAKE A CAMPAIGN OF ITS OWN IN SUPPORT OF A POLITICAL CLAIM TO TERRITORIAL WATERS BY INDISCRIMINATELY GRABBING FOREIGN VESSELS. HE REPEATED THAT WAS NOT THE POLICY OR THE PLAN OF HIS GOVERNMENT.

10. WITH REGARD TO PARA 5 IN REFTEL I DECIDED IT WAS BEST NOT TO PASS ALONG ANY NOTES OR MESSAGES. AS DEPARTMENT KNOWS, TORRIJOS HEARTILY DISLIKES TECHNICAL DIPLOMATIC PROCEDURES. WHEN HE GIVES HIS WORD, HE THINKS THAT IS ENOUGH. IT WOULD BE FOOLISH TO JEOPARDIZE OUR RELATIONSHIP WITH EXCESSIVE FORMALITY. I DO PLAN, HOWEVER, TO GO OVER THE ESSENTIALS OF THE ABOVE WITH FOREIGN MINISTER TACK AT EARLY OPPORTUNITY SO HE IS FULLY AWARE OF STATE OF PLAY. I WOULD HOPE THIS WOULD AVOID ANY SLIPPAGE IN PANAMANIAN REACTION SHOULD NOTIFICATION AND OTHER PROCEDURES LEAK INTO PUBLIC DOMAIN--WHICH I DEVOUTLY PRAY THEY WILL NOT.
JORDEN

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SHIP DETENTION, AGREEMENTS, TUNA, LAW, POLICIES, FISHING BOATS, RAFFAELLO, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 JUN 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974PANAMA03606
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740164-1039
From: PANAMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740622/aaaaasda.tel
Line Count: 138
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: STATE 126645
Review Action: RELEASED, APPROVED
Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 18 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18 SEP 2002 by martinml>; APPROVED <14 FEB 2003 by CollinP0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: RAFAELLO SEIZURE
TAGS: EFIS, PN, (TORRIJOS)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005